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Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

EVARISTO GOMEZ & MARIA MUNOZ,

Defendants.

CASE NO. 1:20-CR-00123-DAD-BAM

STIPULATION TO CONTINUE STATUS
CONFERENCE AND EXCLUDE TIME UNDER
SPEEDY TRIAL ACT; FINDINGS AND ORDER

STIPULATION

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for status on September 22, 2021.
2. By this stipulation, the parties now move to continue the status conference until December 8, 2021, and to exclude time between September 22, 2021, and December 8, 2021, under 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4].
3. The parties agree and stipulate, and request that the Court find the following:
 - a) The government has represented that the discovery associated with this case has been either produced directly to counsel and/or made available for inspection and copying.
 - b) Counsel for defendants desire additional time to meet with their out-of-custody clients, to review discovery, pursue investigation, and discuss possible resolution with the

government.

c) Counsel for defendants believe that failure to grant the above-requested continuance would deny them the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

d) The government does not object to the continuance.

e) Based on the above-stated findings, the ends of justice served by continuing the case as requested outweigh the interest of the public and the defendant in a trial within the original date prescribed by the Speedy Trial Act.

f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et seq., within which trial must commence, the time period of September 22, 2021 to December 8, 2021, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4] because it results from a continuance granted by the Court at defendant's request on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial and because, once filed, the court will need time to consider the proposed plea agreement.

4. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: September 13, 2021

PHILLIP A. TALBERT
Acting United States Attorney

/s/ LAURA D. WITHERS
LAURA D. WITHERS
Assistant United States Attorney

Dated: September 15, 2021

/s/ CARRIE McCREARY
CARRIE McCREARY
Counsel for Defendant
MARIA MUNOZ

1 Dated: September 13, 2021

/s/ MELISSA BALOIAN
MELISSA BALOIAN
Counsel for Defendant
EVARISTO GOMEZ

6 **ORDER**

7 IT IS SO ORDERED that the status conference is continued from September 22, 2021, to
8 **December 8, 2021, at 1:00 p.m. before Magistrate Judge Barbara A. McAuliffe.** Time is excluded
9 pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv).

10
11 IT IS SO ORDERED.

12 Dated: September 15, 2021

/s/ *Barbara A. McAuliffe*
UNITED STATES MAGISTRATE JUDGE